IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(oracle01.031)

Applicant:	Alok Srivastava	**Confirmation No.:** 6477	
Application No:	10/798,545	**Group Art Unit:** 2169	
Filed:	3/11/2004	**Examiner:** Paul Kim	

Title: *Method and apparatus for integrating data from external sources into a database system*

Commissioner for Patents
Alexandria, VA 22313-1450

Brief for a pre-appeal brief conference

The above patent application (hereinafter "the present application") is a divisional of U.S. patent 6,735,598, filed on 10/29/1999 and issued on 5/11/2004 and having the same title and inventor as the present application. The filing date of 6,735,598 is the priority date of the present application. Applicants were notified of the final Office action being appealed on 3/10/2010. In that Office action, Examiner rejected claims 1-28 under 35 U.S.C. 103 as obvious over the combination of Levy, U.S. Patent 5,995,961 (hereinafter "Levy") with U.S. patent 6,546,421, Wynblatt, et al., *System and method for automatic selection of internet data streams*, filed June 30, 1999 (hereinafter "Wynblatt"). Applicants are traversing the rejection.

Why the combination of Levy and Wynblatt does not support a rejection under 35 U.S.C. 103

In order to make a rejection under 35 U.S.C. 103, Examiner must make a *prima facie* case of obviousness. One of the elements of the *prima facie* case is that the combined references disclose all of the limitations of the claim under rejection. Claim 1 as presently amended reads as follows:

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1     1. (currently amended) A method performed in a search server of initiating a
2     connection via a network for a streaming data item between a client for the
3     streaming data item and a streaming data item server that contains the streaming
4     data item, the client and the streaming data item server and the client and the
5     search server being accessible to each other via the network, the connection being
6     independent of the search server, and the method comprising the steps of:
7          receiving a specification of the streaming data item from the client via the
8     network;
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9   using the specification to make a query on a database system that is
10   accessible to the search server, the query returning a first identifier that identifies
11   the streaming data item; and
12   *providing the first identifier and a second identifier to the streaming data*
13   *item server* that contains the streaming data item, the second identifier identifying
14   the client and *the first identifier and the second identifier being used by the*
15   *streaming data item server* to establish the connection between the client and the
16   streaming data item. (emphasis added)s

At page 3 of his final rejection, Examiner states that Fig. 3 and Col. 4, lines 55-61 of Wynblatt disclose the limitations of the last clause of the claim (lines 12-16). The limitations of claim 1's

20   last clause are disclosed neither at that location nor anywhere else in Wynblatt, and consequently, Examiner has failed to make the required *prima facie* case.

Most of the disclosure for what Applicants are claiming in the present application may be found at page 21, line 29-page 24, line 8. As set forth at page 22, line 29-page 23, line 2 of the present

25   application,

Because of the problems with delivering streaming data through a database
system, database systems have generally been limited to providing the
location of the desired streaming data to the user, with a separate interaction
between the user and the source of the streaming data being required to
30   actually obtain the video or audio data.

Wynblatt is a good example of the prior-art technique of providing the client with the location of the streaming data and letting the client establish the connection with the streaming data server. Wynblatt's FIG. 2 shows a system for delivering streaming data to a client. The figure is

35   described at col. 2, line 54-col. 3, line 50. As set forth there, Wynblatt's local computer 115 executes a client program 116 which accesses data streams from data stream servers 110, descriptions of the data streams' contents from descriptive WWW servers 111, and files with lists of URLs for data streams and data stream descriptions in servers 111 and 110 from friendly server 112. See in this regard col. 2, line 57-col. 3, line 26.

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The flowchart of FIG. 3 shows how *client program* 116 interacts with servers 110 and 111 and friendly server 112 to obtain streaming data. The flowchart is described at col. 3, line 53-col. 7, line 57. As is apparent from the discussion, *all of the steps of the flowchart are performed by client program 116*. In steps 301 and 302, the client downloads "data source addresses" from

45   friendly server 112. The data source addresses are URLs of data streams in data stream servers

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110 and descriptive pages from descriptive servers 111 (col. 4, lines 17-25, lines 55-56). In step

303, the client uses the downloaded URLs of descriptive pages to download descriptive data

about the data streams (col. 4, lines 55-61). In step 304, the client employs a value function to

choose the preferred stream. In step 305,

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> *the client program 116 initiates a connection to the corresponding data stream*
> *server 110 and requests the data stream* (step 305) (if a different data stream was
> previously opened, it is closed at this time). In particular, the client 116 and server
> 111 establish a streaming connection using a standard protocol such as RTSP.
> Once the streaming connection is established, the client 116 begins receiving data
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> and processing the data, which is then output by the local computer 115 as
> appropriate for the given application. (col. 7, lines 19-27) (emphasis added)

From the flowchart of FIG. 3 and the foregoing description, there can be no doubt that it is

Wynblatt's *client* that establishes the connection with the streaming server. This fact places

15 Wynblatt squarely within the prior art techniques set forth at page 22, line 29-page 23, line 2 of

the present application. In those techniques, it is the *client* which interacts with the streaming

server to establish the connection. The *client* provides the URL for the streaming data and the

client's own ID to the server and the streaming server uses the URL and the client's ID to set up

the connection.

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Applicants' claim 1, by contrast requires that the method step

> providing the first identifier and a second identifier to the streaming data item
> server that contains the streaming data item, the second identifier identifying the
> client and the first identifier and the second identifier being used by the streaming
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> data item server to establish the connection between the client and the streaming
> data item.

be "performed in a search server" (claim 1, line 1). The method step thus requires that the

search server (not the client) provides the first identifier (the id for the streaming data item) and

30 the second identifier (the ID for the client) to the streaming data item server. The *streaming*

data item server (not the client) then uses the identifiers to establish the connection between the

client and the streaming data item.

Wynblatt discloses nothing like the claimed interaction between the search server and the

35 streaming data item server on the one hand and the client on the other hand to establish the

connection for the streaming data item between the streaming data item server and the client.

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That fact is confirmed by Examiner's rejection in the Office action of 3/10/2010 and in the Advisory Action of which Applicants were notified on 6/16/2010.

Rebuttal of the rejection of 3/10/2010

5   The location in Wynblatt cited by Examiner in the rejection of 3/10/2010, col. 4, lines 55-61, simply states that Wynblatt's client program uses HTTP to download descriptive pages from the descriptive servers 111, and thus discloses nothing beyond what is disclosed at Wynblatt's col. 7, lines 19-27, quoted above. As pointed out there, what that location discloses is the prior-art technique of establishing a connection between the streaming server and the client, namely that

10   the *client* provides the information to the streaming server which the streaming server uses to make the connection.   Claim 1, however, requires that the *search server* provide the information *to the streaming server* which the streaming server uses to make the connection.

Rebuttal of the rejection of the Advisory Action of 6/16/2010

15   Examiner's final word is his Advisory action of 6/16/2010.   There, Examiner cites to Wynblatt's description of how the *client* uses URLs for streaming data to download descriptive pages for the streaming data from the descriptive server, applies a value function to the downloaded pages to select one of the items of streaming data, and then uses the URL corresponding to the page to establish the connection between the client and the streaming data.

20   Again, there is nothing in any of this which shows claim 1's limitation that the *search server* provide the information *to the streaming server* which the streaming server uses to make the connection. *Because* Wynblatt fails to disclose this limitation, the combination of Wynblatt and Levy does not disclose all of the limitations of the claim and Examiner has not made his *prima facie* case of obviousness.

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Applicant's independent claims 1, 5, 9, 15, 19, and 23 all clearly set forth the foregoing distinction between Applicants' techniques for establishing a connection between the client and the streaming server and the prior art solution of Wynblatt, and consequently none of Applicants' independent claims is rendered obvious by the combination of Wynblatt and

30   Levy. Because that is the case, none of Applicants' dependent claims is rendered obvious by the combination. Further, as set forth in Applicants' response of June 9, 2010, dependent claims 3,7,13, 21, and 27 have added limitations that are not disclosed in the combination of references and are consequently patentable in their own rights over the references. As also set forth in

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Applicants' response of June 9, 2010, Examiner finds the additional limitations of dependent claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28 in the Rodriguez reference; the problem here is simply that Rodriguez has a filing date of September 23, 2002 and a publication date of July 27, 2004, and would consequently not appear to be available as a reference against

5   the claims of the present application.

Conclusion

Applicants have demonstrated that all of Applicants' independent claims have limitations which are not disclosed by the combination of Levy and Wynblatt and have thereby traversed

10 Examiner's final rejection. Applicants have further demonstrated that many of the dependent claims contain limitations which are not disclosed in the references, and that others of the dependent claims have been rejected on the basis of the Rodriguez reference, which is not available for that purpose. Applicants consequently respectfully request that the conferees either allow the application or withdraw the finality of the rejection and reopen prosecution.

15 The required *Request for a pre-appeal brief conference* and *Notice of Appeal* accompany this *Brief*, along with the requisite fees for the *Notice of Appeal* and a one-month extension of time. Should any further fees be required, please charge them to deposit account number 501315. Overpayments should be credited to that account.

20   Respectfully submitted,

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